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PATENT #
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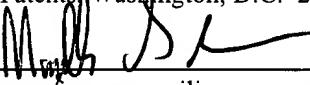
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Marcellus G. Green

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee L. Rubin et al.

Art Unit: Not Yet Assigned

Serial No.: 09/355,004

Examiner: Not Yet Assigned

Filed: July 21, 1999

Customer No: 21559

Title: In Vivo Apoptosis Screening

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Assistant Commissioner for Patents
Washington, D.C. 20231

Legal Staff
International Division

RENEWED PETITION TO WITHDRAW NOTIFICATION OF ABANDONMENT

In reply to a Decision on Petition under 37 C.F.R. § 1.181, in which applicants' Petition to Withdraw Notification of Abandonment that was submitted in the above-captioned case on January 31, 2001 was denied, applicants submit this Renewed Petition to Withdraw Notification of Abandonment. The Decision on Petition stated that what was missing from applicants' original submission were copies of the relevant docket records. These records are enclosed with the present submission. For completeness, this Renewed Petition restates that which was originally stated in applicants' submission of

January 31, 2001.

Under 37 C.F.R. §§ 1.8(b) and 1.181, applicants hereby petition to have the Notification of Abandonment that was mailed in the above-captioned case on May 26, 2000 withdrawn. (A copy is enclosed.) According to the Notification, the application was abandoned for applicants' failure to reply to a Notification of Missing Requirements that was mailed on September 1, 1999. However, as is explained below, a Notification of Missing Requirements was not received by applicants' attorneys.

The undersigned, applicants' appointed attorney, first became aware of the abandonment after having received the Notification of Abandonment at her office on May 30, 2000, and submits that this Petition to Withdraw the Notification is being promptly submitted.

In support of this Petition, enclosed is an original, signed Declaration by applicants' attorney, Susan M. Michaud, attesting on the basis of personal knowledge to the mail procedures in effect from September 1, 1999 (and before) to the present. As is stated in the Declaration, the Notification of Missing Requirements that was mailed from the Patent Office for this case on September 1, 1999 was never received by applicants' attorneys.

Also in support of this Petition, enclosed are copies of relevant docket records. In particular, the Notification of Missing Requirements was, according to Patent Office records, mailed on September 1, 1999, and applicants were given a one month period for

replying to the Notification. Thus, the docket records of applicants' attorneys for October 1, 1999 are enclosed. The serial number for each matter in the docket is indicated in the second column from the right side of the page, which is entitled "Application No/Filing Date." A review of this column shows that the serial number of the present application, 09/355,004, is not present in the column. Also, the attorney docket number for this case, 50015/013001, is not found in the column of the docket in which such information, if present, would appear (fourth column from the left, entitled "Matter Number"). Thus, the docket of applicants' attorneys supports their submission that the Notification of Missing Requirements for this case was not received by them.

Enclosed with applicants' original Petition, filed on January 31, 2001, were a Submission of what applicants believed to be the outstanding Missing Requirements. Copies of these materials, which includes a Combined Declaration and Power of Attorney in compliance with 37 C.F.R. § 1.497(a) and (b), and a check for \$130.00 in payment of the surcharge required by 37 C.F.R. § 1.492(e) for a large entity, are enclosed.

Applicants request that the Notification of Abandonment be withdrawn.

Although no charges are believed to be due, if there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 20, 2001

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